

# **EXHIBIT 9**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

WISCONSIN COALITION AGAINST SEXUAL  
ASSAULT, *et al.*

*Plaintiffs,*

v.

PAMELA BONDI, in her official capacity as United  
States Attorney General, *et al.*

*Defendants.*

Case No. 1:25-cv-00279

**DECLARATION OF KELLY MOE LITKE**

I, Kelly Moe Litke, declare as follows:

**I. Background**

1. I am one of the two Executive Directors of the Wisconsin Coalition Against Sexual Assault, Inc. (the “Wisconsin SA Coalition” or the “Coalition”), which is Wisconsin’s federally designated sexual assault coalition.

2. The Wisconsin SA Coalition was founded on October 17, 1985, and is headquartered in Madison, Wisconsin. The Wisconsin SA Coalition works to create social change to end sexual violence by supporting and centering survivors, advocating for systemic and legislative change, and strengthening the capacity of sexual assault service providers across the state of Wisconsin. The Wisconsin SA Coalition provides its members with individualized training and technical assistance opportunities, access to support and resources, and invitations to coalition-hosted events.

3. Although the Wisconsin SA Coalition does not provide direct services, it does provide information, support, and referrals to survivors who contact them – particularly those who

have had harmful experiences or were turned away from local service providers. It also has historically hosted survivor-hosted healing events, and it continues to host web-based spaces and manage a listserv for survivors and allies.

4. The Wisconsin SA Coalition has an annual budget of roughly \$1 million. Of that total amount, roughly \$525,000 comes from Office on Violence Against Women (OVW) grants, including \$250,000 awarded directly to the Coalition and the remainder going to the Coalition as a subrecipient of OVW grants to the Wisconsin Department of Justice. In addition, the Wisconsin SA Coalition receives roughly \$405,000 from other funds flowing from federal grants or contracts.

## **II. Wisconsin SA Coalition Member Organizations**

5. The Wisconsin SA Coalition is a membership organization with approximately 70 members. There are two types of membership. First, Sexual Assault Services Program (SASP) Membership in the Wisconsin SA Coalition is open to agencies whose primary function is providing sexual assault services and prevention and who demonstrate a commitment to the Coalition's Framework. See <https://www.wcasa.org/about/framework/>. Most members in the Wisconsin SA Coalition are SASP Members. Second, the Wisconsin SA Coalition also has a small number of individuals and organizations who are Partner Members. This type of membership is open to individuals and organizations who want to join the movement to end sexual violence and who demonstrate a commitment to the Coalition's Framework.

## **III. Grants for Which the Wisconsin SA Coalition Has or Has Intended to Apply**

6. The Wisconsin SA Coalition has applied for and received a formula grant from OVW for the State and Territory Domestic Violence and Sexual Assault Coalitions Program ("Coalition Grant") every year since at least 2007.

7. Most recently, OVW awarded the Wisconsin SA Coalition a total of \$252,846 through the Coalition Grant in FY24. The grant has a period of performance and a budget period of October 1, 2024 through September 30, 2025.

8. The Wisconsin SA Coalition has used Coalition Grant funds to coordinate with funders and other partners to improve services and responses to sexual assault providers, and to provide technical assistance, training, and support to stakeholders across the state of Wisconsin on diverse sexual assault topics. This work includes planning collaborative technical assistance for local service providers to ensure they receive high-quality support; supporting programs navigating turnover or struggling with other challenges to mitigate disruptions; working with funders and partners to identify emerging needs throughout the state; providing comprehensive training for new advocates or directors; among other things.

9. The Wisconsin SA Coalition has also previously received OVW competitive grants, including the Rural Program Grant. The Coalition was a direct recipient of funding through the Rural Program Grant between 2019 and 2022.

10. In addition, from roughly 2007 through the present, the Wisconsin SA Coalition has received OVW funding as a subrecipient of grants awarded to the Wisconsin Department of Justice. For example, the Coalition is a current subrecipient of funds through the OVW Improving Criminal Justices Response (ICJR) Program and the OVW Sexual Assault Services (SASP) Formula Grant Program. In the past, the Coalition has received funding as a subrecipient of funds through the OVW Services, Training, Officers, and Prosecutors (STOP) Formula Grant Program.

11. For the upcoming OVW grant cycle (October 1, 2025 through September 30, 2026), the Wisconsin SA Coalition applied for the FY25 Coalition Grant. If awarded the

Coalition Grant, as expected, this funding would represent approximately 28 percent of the organizational budget for the Wisconsin SA Coalition. The Notice of Funding Opportunity (NOFO) for the Coalition Grant requires applicants to submit a certification by June 23, 2025 at 11:59 PM ET and submit the final application by June 25, 2025 at 8:59 PM ET.<sup>1</sup> If awarded this Grant, the Wisconsin SA Coalition would be able to continue its mission critical work of coordinating with funders and other partners to improve services and responses to sexual assault providers, and provide high-quality technical assistance, training, and support to stakeholders across the state of Wisconsin on diverse sexual assault topics. If the Wisconsin SA Coalition could not obtain the Coalition Grant, however, the Coalition would be severely limited in the services that it can provide to members and others who benefit from their sexual-assault intervention and response work. For example, the Coalition would likely have to eliminate 30 to 40 percent of its staff. The loss of funds would mean the Coalition would not be able to provide the same level of training and technical assistance to members, who rely on that assistance in providing trauma-informed, ethically, and legally-compliant, and, in many cases, life-saving services to victims.

12. The Wisconsin SA Coalition had intended to apply for OVW competitive grants but chose not to complete applications due to OVW's new funding conditions. Those grants include the Rural Program Grant, which the Coalition has successfully applied for and been awarded in the past, and the OVW Transitional Housing Assistance Grant.

---

<sup>1</sup> Pursuant to a stipulation filed in this matter, the Wisconsin SA Coalition and its members are not required to submit a certification for any OVW grant until August 12. Absent judicial relief, we will be required to submit a certification at that time.

**IV. Grants for Which the Wisconsin SA Coalition's Members Currently Have or Have Intended to Apply**

13. Wisconsin SA Coalition's members have also received OVW grants in the past, including the SASP and STOP Grants.

14. Various Wisconsin SA Coalition members also have intended to apply for OVW grants this year.

15. For example, Wisconsin SA Coalition Member Doe 1 has intended to apply for OVW funding through the Children and Youth Grant Program, the Engaging Men Grant Program, and the ICJR Program.

16. Wisconsin SA Coalition Member Doe 2 has previously applied for and been awarded pass-through VAWA SASP and STOP Grants, and has intended to apply for those grants when they become competitive again. It has also previously applied for OVW Research and Evaluation Grant and may apply again in the future.

17. And Wisconsin SA Member Doe 3 had intended to apply to the Children and Youth Grant, and intended to apply for the Transitional Housing Grant, but was deterred from doing so by the OVW's new funding conditions.

**V. OVW's New Funding Conditions**

18. The NOFOs for the FY25 OVW grants for which the Wisconsin SA Coalition and its members have intended to apply include new "out-of-scope" funding conditions that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior fiscal years. Specifically, the NOFOs for the FY25 OVW grants prohibit grant funds from being used for: (1) promoting or facilitating the violation of federal immigration law; (2) inculcating or promoting gender ideology; (3) promoting or facilitating discriminatory programs or ideology, including illegal DEI and "diversity, equity, inclusion, and accessibility"

programs that do not advance the policy of equal dignity and respect; (4) activities that frame domestic violence or sexual assault as systemic social justice issues rather than criminal offenses; (5) programs that discourage collaboration with law enforcement or oppose or limit the role of police, prosecutors, or immigration enforcement in addressing violence against women; (6) awareness campaigns or media that do not lead to tangible improvements in prevention, victim safety, or offender accountability; (7) initiatives that prioritize illegal aliens over U.S. citizens and legal residents in receiving victim services and support; and (8) any activity or program that unlawfully violates an Executive Order. In addition to identifying these activities as “out-of-scope activities” for which grant funds may not be used, the NOFOs for the FY25 OVW grants require applicants to submit a certification with their application saying that they will not use the grant funds on the “out-of-scope” activities.

19. In addition, OVW has updated the General Terms and Conditions applicable to its grants and cooperative agreements for fiscal year 2025 to require a separate certification as a term of each award. The term requires a grant recipient to agree that “its compliance with all applicable federal civil rights and nondiscrimination laws is material to the government’s decision to make th[e] award and any payment thereunder, including for purposes of the False Claims Act.” The term further states that “by accepting the award,” the grantee “certifies that it does not operate any programs,” including DEI programs, “that violate any applicable federal civil rights nondiscrimination laws.”

**VI. OVW’s New Funding Conditions Place the Wisconsin SA Coalition and its Members in an Untenable Position.**

20. The new funding conditions present the Wisconsin SA Coalition and its members with an impossible choice. The Wisconsin SA Coalition could forgo applying for OVW grants and face the direct consequences to the Coalition’s financial health and ongoing operations. Or

the Wisconsin SA Coalition may apply and jeopardize its mission and compliance with VAWA requirements, and face enormous risks of litigation and government investigations under the False Claims Act.

21. Agreeing to the certifications would cause the Wisconsin SA Coalition profound harm. The funding conditions are vague, and several could be read to conflict with the Coalition's core mission and the activities it has undertaken for decades in furtherance of that mission and in reliance on OVW grants. The funding conditions may require the Coalition to cease engaging in activities that it had previously understood OVW grants to plainly support. Thus, the Wisconsin SA Coalition does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of sexual violence.

22. For instance, the Wisconsin SA Coalition's Framework describes the organization's vision as "a world without violence, oppression, and racism where all people honor bodily autonomy and social justice." The Framework further identifies the organization's values, including "liberation and empowerment," described as including a commitment to "elevating BIPOC voices and embrace transformative justice in [their] approach," and "humility and accountability," described as including a recognition of "the impact of white supremacy and white feminism evident in our movement." The Wisconsin SA Coalition is unsure whether it may undertake its day-to-day activities reflecting its vision and values, to which it requires its members to commit, without running afoul of the condition not to "promot[e] or facilitat[e] discriminatory programs or ideology, including illegal DEI" as DOJ might interpret those terms.

23. It is also unclear whether the Coalition's vision and values, which reference a commitment to a "movement" to end sexual violence and describe this movement's origins in



anti-racist social justice movements, violate the anti-social justice part of the certification, and whether the Coalition could comply with the anti-social justice condition without adopting a view antithetical to its true beliefs.

24. Many of the Coalition's activities in furtherance of its OVW grant-funded training and technical assistance programs may also conflict with the new funding conditions. The Wisconsin SA Coalition is unsure if its commitment to and regular practice of embedding anti-oppression frameworks in all its training and technical assistance – for example, by creating spaces for BIPOC partners in its training, or providing training sessions on the impact of sexual violence on underserved communities – would be construed as “promoting or facilitating discriminatory programs or ideology, including illegal DEI” as DOJ might interpret those terms.

25. The Wisconsin SA Coalition is also concerned that it cannot continue to engage in certain practices that respect the dignity of all victims of sexual violence, regardless of gender and sexual orientation, and are consistent with the VAWA mandate not to discriminate on the basis of gender or sexual orientation. The Coalition uses a gender analysis in its work and considers sexual assault work to clearly fall under the broader concept of gender-based violence. The Coalition further considers that it is impossible to do sexual assault work without talking about gender. Additionally, the Coalition is concerned about the impact of the OVW certifications on the transgender community, a community that experiences high rates of sexual violence and that is included in the reach of the Coalition's work. The Wisconsin SA Coalition works closely with partners focused on LGBTQ+ communities on training and technical assistance to ensure the unique needs of all survivors are met. The Coalition does not know if the simple act of sharing data and research on impacts of SV on the trans community could be seen as promoting “gender ideology.” Especially considering that DOJ has provided no clear

explanation of what inculcating or promoting gender ideology means, it is unclear whether the Coalition may continue its regular practices and activities while complying with the funding condition not to “inculcat[e] or promot[e] gender ideology.”

26. It is also unclear whether the Wisconsin SA Coalition may continue providing certain services to the immigrant community, including those without legal status, consistent with the funding conditions. The Wisconsin SA Coalition provides training and technical assistance specific to work with immigrant survivors. Moreover, the Coalition considers its provision of immigrant survivor-focused training and technical assistance to be consistent with Congress’s direction that OVW programs do not discriminate on the basis of alienage status, as well as Congress’s directives for certain OVW programs to emphasize assistance to immigrants. But the Coalition is concerned that providing such immigrant survivor-focused training and technical assistance may now conflict with DOJ interpretation of its prohibition against “promoting or facilitating the violation of immigration law.”

27. Additionally, the Wisconsin SA Coalition is concerned that it would have to fundamentally change its programming or accept new grants and risk running afoul of various funding conditions imposed on those grants. For example, the Coalition is concerned that all training and technical assistance using gender analysis, any utilization of data and research with gender as a metric, any collaboration with transgender-led organizations on training, and any education on policies impacting LGBTQ communities, may now be interpreted by DOJ as running afoul of the funding condition not to “inculcat[e] or promot[e] gender ideology.”

28. Similarly, the Coalition is concerned that all training and technical assistance using racial analysis, any utilization of data and research with race as a metric, any collaboration with culturally specific organizations on training, and any education on policies impacting

BIPOC communities, may be construed as “promoting or facilitating discriminatory programs or ideology, including illegal DEI” as DOJ might interpret those terms.

29. Furthermore, the Coalition is concerned that all training and technical assistance using immigration analysis, any utilization of data and research with immigration as a metric, any collaboration with immigration organizations on training, and any education on policies impacting immigration communities, may now conflict with DOJ interpretation of its prohibition against “promoting or facilitating the violation of immigration law” or initiatives that “prioritize illegal aliens over U.S. citizens and legal residents in receiving victim services and support.”

30. The Wisconsin SA Coalition also engages in activities designed to bring awareness to issues surrounding sexual assault—including sharing news about law changes, highlighting stories about survivors of sexual assault, and elevating posts by partners in sexual violence and related issues. Additionally, the coalition shares resources for survivors and other followers on social media—including information about accessing services and how to find healing from trauma, and how to prevent sexual assault from occurring. These activities are critical to making its services accessible and more effective for survivors of sexual assault and others in the field engaged in prevention efforts, but the Coalition is concerned that it will be unable to engage in these activities in light of the funding condition requiring “awareness campaigns and media” to lead to “tangible improvements in prevention, victim safety, or offender accountability.” The Wisconsin Coalition does not have the resources to evaluate the results of every one of these activities, nor would it know how to measure the results if so. For instance, there would be no way of proving that a specific awareness measure designed to prevent sexual assault actually succeeded in preventing a particular episode of sexual assault.

Measuring prevention, victim safety, and offender accountability are long-term goals that are not immediately or always tangibly measurable.

31. The Wisconsin SA Coalition fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make the Coalition concerned about applying or accepting an award. To mitigate these risks, the Coalition would have to change its practices, in many cases contrary to its core values.

32. Not agreeing to the certifications would result in equally grave harm.

33. Not having access to funds from the Coalition Grant and other competitive grants would severely undermine the Wisconsin SA Coalition's ability to function as a state coalition and to provide its mission critical services. Losing the Coalition Grant alone would result in a loss of 28 percent of its organizational budget for the next fiscal year. Without these funds, the Wisconsin SA Coalition would have to reduce the size of its staff by as much as 40 percent and, therefore, its services to members.

34. The Wisconsin SA Coalition's member programs would lose access to core, comprehensive training for their staff necessary to provide legally and ethically compliant advocacy services to clients in addition to regular training on emergent issues that ensure front-line staff are able to provide quality services to all survivors. The state would lose critical technical assistance in systemic response improvements that reduce sexual violence, increase effectiveness of legal responses, and dramatically improve survivor response and support efforts. These losses would make the Wisconsin SA Coalition less effective as a coalition and undermine its role as the state authority on sexual violence prevention, intervention, and response.

**VII. Cuts to the Wisconsin SA Coalition's and its Members' Services Would Harm Sexual Assault Victims and Survivors**

35. The reduction or outright termination of these services would have devastating effects on the community of survivors and victims of sexual violence.

36. In the absence of fully funded Wisconsin SA Coalition services, sexual assault victims will be confronted with more barriers when trying to access services following their assault, including discriminatory treatment from medical, law enforcement or courtroom personnel, hotline operators, and therapists who have not received anti-bias and other core victim services training. This will immediately lead to more survivors choosing not to participate in the criminal justice system and fewer being linked to and receiving appropriate medical and therapy services. Direct service providers will be unable to maintain high quality services that follow best practice guidance or even that are fully compliant with the myriad federal, state, and local requirements they would now have to navigate on their own, without the critical assistance of coalitions, while desperately trying to keep up with the already increasing demand for services.

37. The Wisconsin SA Coalition's operations are essential to permitting the network of direct service providers to focus on providing the highest-quality services to the survivors they serve and ensuring that the systems that contribute to addressing and responding to the epidemic of sexual violence are operating with evidence-based, trauma-informed, survivor-centered policies and practices.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 25, 2025.



Digitally signed by Kelly  
Moe Litke  
Date: 2025.06.25 21:20:20  
-05'00'

---

Kelly Moe Litke  
Executive Director  
Wisconsin Coalition Against Sexual Assault